

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEMTRON CORPORATION,

Plaintiff,

-vs-

Case No. 1:04-0387  
Hon: AVERN COHN

SAINT-GOBAIN CORPORATION,

Defendant.

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**ORDER RE: OUTSTANDING DISCOVERY**

This is a hotly contested patent case. At issue is infringement by the SG16 shelf and damages for infringement by the SG1, 2 and 3 shelves. Before the Court is Gemtron's Motion For Sanctions And Fifth Motion To Compel, attached to which are 33 exhibits. Saint-Gobain opposes the motions and attaches 22 exhibits to its response. Also pending is a motion for summary judgment as to infringement by the SG16 Shelf. It is not clear if Saint-Gobain's motion for summary judgment of non-infringement by the SG16 shelf is still pending. The final pretrial conference is scheduled for December 18, 2007. Trial is scheduled to commence January 14, 2008. Given the foregoing, the Court is not disposed to consider sanctions at this time, whatever the merits of Gemtron's motion. What is important is to assure that the discovery still necessary to enable the case to go to trial be completed.

Accordingly, Gemtron shall promptly advise the Court in detail what discovery requests remain open to enable it to take the case to trial.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: December 3, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, December 3, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160